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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,144	02/17/2004	Aaron Sauve	14917.1241US01/307917.01	2246
27488	7590	04/10/2009		
MERCHANT & GOULD (MICROSOFT)			EXAMINER	
P.O. BOX 2903			KIM, JUNG W	
MINNEAPOLIS, MN 55402-0903				
			ART UNIT	PAPER NUMBER
			2432	
			MAIL DATE	DELIVERY MODE
			04/10/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/780,144	<b>Applicant(s)</b> SAUVE ET AL.	
	<b>Examiner</b> JUNG KIM	<b>Art Unit</b> 2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26,28,29,31,33,36-56 and 58-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26,28,29,31,33,36-56 and 58-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/5/09</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office action is in response to the RCE filed on 2/5/09
2. Claims 1-26, 28, 29, 31, 33, 36-56, and 58-66 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/22/08 has been entered.

#### ***Information Disclosure Statement***

4. The IDS submitted on 2/5/09 has been considered. These references are cited in the related allowed application 10779925, which claims are pertinent to the modeless prompt feature recited in the instant claimed invention. An initial copy is enclosed.

#### ***Response to Arguments***

5. Applicant's arguments with respect to the prior art rejections have been fully considered but they are moot in view of the 112 rejection for failure to particularly point out the claim subject matter which applicant regards as their invention.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-26, 28, 29, 31, 33, 36-56, and 58-66 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The claimed inventions define the limitation where the detected object associated with a web page is “not associated with a downloadable security profile, generated by an external content inspection engine;” and performing a trust analysis at the client device for the object, “wherein the trust analysis is performed without using the downloadable security profile, or generating at the client device the downloadable security profile.”

9. There are two issues here. First, Applicant’s specification does not provide any antecedent basis for determining the meets and bounds of what constitutes a “downloadable security profile.” There is no discussion in the Background section of Applicant’s specification describing prior art mechanisms utilizing a “downloadable security profile,” which the claimed invention is an improvement thereof. There is no discussion in the Detailed Description of the Specification disclosing what could constitute a “downloadable security profile.” Properly identifying what is a “downloadable security profile” is necessary to determine the scope of the negative limitations recited in Applicant’s claimed invention. See MPEP 2173.05(i) (“Any

negative limitation or exclusionary proviso must have basis in the original disclosure.”)

Note that the negative limitations defined by Applicant are distinguished from the examples of acceptable negative limitations supplied in MPEP 2173.05(i). There, the claims excluded specific recitations of chemical elements and compositions of matter that have distinct meaning in the art. In contrast, a security profile associated with an object as claimed can constitute any information regarding the security attributes of an object. Such information can range from a digital certificate authenticated by a certificate authority to unstructured information associated with the object relevant to the security of the object (e.g. GID, UID).

10. Second, the limitation “wherein the trust analysis is performed without using the downloadable security profile, or generating at the client device the downloadable security profile” has no antecedent basis in the claim itself. The prior limitation “wherein the object does not include a downloadable security profile” does not positively recite “a downloadable security profile” and hence cannot be the basis for the limitation “wherein the trust analysis is performed without using the downloadable security profile, or generating at the client device the downloadable security profile.”

11. Because of the indefiniteness of the recited claims, a determination of novelty and obviousness cannot be performed.

***Communications Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jung W. Kim whose telephone number is 571-272-3804. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Kim/  
Primary Examiner, AU 2432